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Attorney for Defendant
Target Corporation

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA AT ANCHORAGE**

JOYCE POTEET,)	
)	
Plaintiff)	
)	United States District Court No.
v.)	Case No. 3:20-cv-_____
)	
TARGET CORPORATION,)	
)	Alaska District Court No.
Defendant.)	3AN-20-07860CI
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NOTICE OF REMOVAL

Defendant Target Corporation (“Target”), through counsel Ingaldson Fitzgerald, P.C., hereby removes Case No. 3AN-20-07860CI from the District Court for the State of Alaska, Third Judicial District at Anchorage, to the United States District Court for the District of Alaska, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

In support of this Notice of Removal, Target states:

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I. INTRODUCTION.

1. On September 8, 2020, plaintiff Joyce Poteet (“Poteet”) filed the above described suit against Target in the Alaska state court in Anchorage.¹ The Complaint alleges that negligence on the part of Target caused Poteet to slip and fall in a retail store owned, operated, managed, and/or maintained by Target, as a result of which Poteet claims to have been injured. Poteet seeks a judgment against Target for unspecified general and special damages within the \$100,000 jurisdictional limit of the state District Court.

2. This action is removable pursuant to 28 U.S.C. §§ 1332(a) and 1441. The removal is timely; there is diversity of citizenship between Poteet and Target; and upon belief as explained herein, the amount in controversy exceeds \$75,000, exclusive of interests and costs.²

3. Simultaneously with this filing, Target has filed its Notice of Removal in the Alaska District Court case.

II. ARGUMENT.

4. This court has original jurisdiction of suits among citizens of different states if the amount in controversy, exclusive of interest and costs, exceeds \$75,000.³

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¹ A copy of Poteet’s Complaint in that case (“Complaint”) is attached as Exhibit

A.
² See 28 U.S.C. §§ 1332(a), 1441, 1446.

³ 28 U.S.C. §§ 1332(a)(1).

5. Poteet is a citizen of the State of Alaska.⁴ Target is a Minnesota corporation and therefore a citizen of Minnesota.⁵ Therefore, there is complete diversity between Target and all defendants.

6. Target was served with the Summons and Complaint on October 9, 2020, and so this Notice of Removal is filed within the allotted thirty-day time for removal under 28 U.S.C. § 1446(b)(2)(B).

7. A defendant seeking to remove a case from state to federal court must prove that the \$75,000 jurisdictional floor exists.⁶ Where it is not evident from the face of the complaint that the jurisdictional floor exists, “the removing party must prove, by a preponderance of the evidence, that the amount in controversy meets the jurisdictional threshold.”⁷

8. Poteet’s Complaint seeks damages in an unspecified amount.⁸ However, because the plaintiff in a suit in the Alaska District Court may seek up to \$100,000, exclusive of interest, attorney’s fees, and costs,⁹ the amount in controversy in this case appears to meet this court’s jurisdictional floor.

9. The undersigned counsel for Target spoke by telephone with Poteet’s attorney Timothy Twomey, for the purpose of ascertaining the amount of damages claimed by Poteet so that, if appropriate, Target could timely exercise its right of

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⁴ Exhibit A, ¶ 1.

⁵ Exhibit B, Target’s Answer in Case No. 3AN-20-07860CI, ¶ 2.

⁶ *Cohn v. Petsmart, Inc.*, 281 F.3d 837, 839 (9th Cir. 2002).

⁷ *Matheson v. Progressive Specialty Ins. Co.*, 319 F.3d 1089, 1090 (9th Cir. 2003).

⁸ Exhibit A, p. 5, ¶ 15 and Prayer for Relief.

⁹ AS 22.15.030(a)(1).

removal.¹⁰ Mr. Twomey declined to verify that the damages Poteet will claim against Target are less than \$75,000.¹¹

10. In view of Poteet's attorney's unwillingness to confirm that the amount in controversy is below this court's jurisdictional threshold and the fact that she is entitled to claim up to \$100,000 in the Alaska District Court, it is evident she is not limiting her demand to an amount less than \$75,000. It thus is apparent that the amount in controversy exceeds this court's jurisdictional threshold amount.

CONCLUSION

The substantive requirements for removal are fully satisfied. Target therefore requests that this court assume full jurisdiction over this lawsuit.

Dated this 6th day of November, 2020.

INGALDSON FITZGERALD, P.C.
Attorneys for Defendant
Target Corporation

By: /s/ William H. Ingaldson
William H. Ingaldson
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¹⁰ Exhibit C, Affidavit of William H. Ingaldson, ¶ 4.

¹¹ *Id.*, ¶ 4.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 6th day of November, 2020, a copy of the foregoing was sent to the following via:

- ☒ E-Mail
- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Fax

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/s/ Colleen A. Guffey
Colleen A. Guffey

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